

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MOTION FOR PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through Zachary A. Myers, United States Attorney for the Southern District of Indiana, and Jeremy C. Fugate, Assistant United States Attorney, respectfully moves for a Preliminary Order of Forfeiture, and in support thereof presents to the Court the following facts:

1. On April 21, 2022, an Indictment was filed, charging the Defendant with Conspiracy to Commit Interference with Commerce by Robbery, in violation of 18 U.S.C. § 1951(a)(Count One); Interference with Commerce by Robbery, in violation of 18 U.S.C. §§ 1951(a) & 2 (Counts Two, Four, Six, Eight, Ten, Twelve, Fourteen, and Sixteen); Brandishing of a Firearm In Furtherance of a Crime of Violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) & 2 (Counts Three, Five, Seven, Nine, Eleven, Thirteen, Fifteen, and Seventeen). [Filing No. 1.]

2. The Indictment notified the Defendant that, if convicted of Counts 1, 2, 4, 6, 8, 10, 12, 14 and 16 of this Indictment, the United States' would pursue forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses, pursuant

to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c); The Indictment also notified the Defendant that if convicted of Counts 3, 5, 7, 9, 11, 13, 15 and 17 of this Indictment, the United States' would pursue forfeiture of any firearms and ammunition involved in the commission of the offense, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

3. The property identified in the Indictment as subject to forfeiture is:

- United States Currency in the amount of \$411.00¹;
And a sum of money equal to the proceeds derived from the offense.
- One rifle Mossberg 715T, SN: EMC3686376; and
All ammunition recovered with the firearms
(Collectively, Asset Identification Numbers: 22-FBI-003772)

("Subject Property"). [Filing No. 1.]

4. On April 15, 2024, a Petition to Enter a Plea of Guilty and Plea Agreement was filed in which the Defendant agreed to plead guilty to Counts 2-10, 12, 14, and 16 of the Indictment. [Filing No. 97.] As part of his plea agreement, the Defendant agreed to the forfeiture of the Subject Property. *Id.* at ¶ 13(e).

5. On April 16, 2024, the Defendant pleaded guilty pursuant to the plea agreement and was adjudged guilty. [Filing No. 101.]

6. The sentencing hearing is scheduled for September 10, 2024. [Filing No. 150.]

7. The United States requests that the Court find the Subject Property is subject to forfeiture pursuant to 18 U.S.C. 924(d) as firearms and ammunition involved in the commission

¹ The currency will be forfeited because it is not in federal custody.

of the offense. The United States also requests that the Court enter an order under Federal Rule of Criminal Procedure 32.2(b)(2) forfeiting the Defendant's rights to the Subject Property.

8. Further, pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), and 21 U.S.C. § 853(g), as incorporated by 28 U.S.C. § 2461(c), the United States requests the Court order that the United States is authorized to seize the Subject Property and dispose of it in accordance with the law.

9. Upon issuance of the Preliminary Order of Forfeiture, the United States, pursuant to Federal Rule of Criminal Procedure 32.2(b)(6) and 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 2253(b), will post notice of the Court's Order and the United States' intent to dispose of the Subject Property described above, and will provide notice directly to any third parties known to have alleged an interest in the Subject Property.

WHEREFORE, the United States respectfully requests that the Court, find the Subject Property as subject to forfeiture, enter a Preliminary Order of Forfeiture forfeiting the Defendant's interest in the Subject Property, and order the United States to seize the Subject Property and dispose of it in accordance with the law.

Respectfully Submitted,

ZACHARY A. MYERS
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2024, a copy of the foregoing Motion for Preliminary Order of Forfeiture was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ Jeremy C. Fugate

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